

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MR. MELVIN CARTER, FZ-7209,)
Petitioner,)
)
v.) 2:11-cv-1154
)
MR. JOE MAZURKIEWICZ, et al.,)
Respondents.)

MEMORANDUM and ORDER

Mitchell, M.J.:

Melvin Carter, an inmate at the State Correctional Institution at Greensburg has presented a petition for a writ of habeas corpus. In his petition Carter sets forth that he is presently serving a fifteen to thirty year sentence imposed following his conviction of various sexual offenses at No. 4537-03 in the Court of Common Pleas of Delaware County, Pennsylvania.

It is provided in 28 U.S.C. §2241(d) that:

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a state which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

While the petitioner is in custody in the Western District of Pennsylvania, the trial court which sentenced him is located in Delaware County which is located in the Eastern District of Pennsylvania. Since it would appear that the interests of justice would best be served by transferring the instant petition to the United States District Court for the Eastern District of Pennsylvania, the petition will be transferred to that District.

An appropriate Order shall be entered.

ORDER

AND NOW, this 5th day of October, 2011, IT IS ORDERED that within fourteen days (14) of this date, the petitioner show cause, if any why the instant petition should not be transferred to the United States District Court for the Eastern District of Pennsylvania. Failure to do so will waive any rights to object.

s/ Robert C. Mitchell
United States Magistrate Judge